

JUN 28 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION

OF: GEWEHR ET AL.

SERIAL No. 10/616,950

FILED: JULY 11, 2003

FOR: FUNGICIDAL USE

DOCKET NO.: AM200040

CONFIRMATION NO.: 2161

GROUP ART UNIT: 1616

EXAMINER: SABIHA N. QAZI

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Honorable Commissioner
for Patents
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REPLY UNDER 37 C.F.R. §1.111

Sir:

In reply to the Office action of February 28, 2006, it is respectfully requested that the following remarks be entered and considered for further prosecution of the above-identified application:

REMARKS

Claims 1, 2, 4 and 5 as presented by applicants on June 10, 2005 (date of the Certificate of Mailing), are currently pending in this case.

The Examiner reiterated the rejection of Claims 1, 2, 4 and 5 under 35 U.S.C. §103(a) as being unpatentable in light of the teaching of *Curtze et al.* (US 6,127,570).

In particular, the Examiner argued that the compounds represented by applicants' formula (I) as well as the compound 5-bromo-2',6-dime-

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